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844 Government Street • Baton Rouge, LA 70802 • 225-383-9999 • Fax 225-379-7891

November 18, 2009

BY E-MAIL AND HAND DELIVERY

Cheryl J. King, Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

RECEIVED - FCC

NOV 18 2009

Federal Communications Commission
Bureau / Office

Re: Informal Complaint No. 09-C00165797-FC
(Ms. Barbara Burton)

Dear Ms. King:

WAFB License Subsidiary, LLC, licensee of WAFB(TV), Baton Rouge, Louisiana ("WAFB" or the "Station"), appreciates the opportunity to respond to the Notice of Informal Complaint ("NOIC") from your office dated November 3, 2009 relating to an informal complaint from Ms. Barbara Burton of Baton Rouge, Louisiana. Ms. Burton notes her concern that when WAFB "show[ed] [a] graphic with a 10 pm news teaser the captions cease[d] until after the box disappear[ed]."

On October 15, 2009—prior to receiving the NOIC—WAFB's news director, Robb Hays, spoke with Ms. Burton by phone about her concern. After concluding the phone call, Mr. Hays investigated the matter and determined that a technical malfunction **with the equipment that generated an on-screen snipe¹ promoting the station's 10 p.m. newscast** had interfered with the display of closed captioning during the few seconds when the snipe was on the screen. The same day, Mr. Hays circulated an e-mail directing the appropriate Station personnel to discontinue use of snipes until the technical issue was resolved. Since October 15, WAFB has been in contact with Ms. Burton by telephone, and Ms. Burton has authorized WAFB to inform the Commission that she considers her concern resolved.

¹ A "snipe" is a graphic superimposed over regular station programming.

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At WAFB, we take our captioning obligations seriously, and we regret the isolated technical malfunction caused by the snipe.² We also regret that, according to Ms. Burton's informal complaint, she initially was unsuccessful in resolving her concern after contacting WAFB's engineering department. Although the engineering staff do not recall conversations with Ms. Burton,³ we have reminded our engineering staff of the Station's procedures for handling inquiries from viewers. In particular, we have instructed all of our personnel that, if they cannot resolve an issue raised by a viewer, they must take responsibility for ensuring that the appropriate person addresses the issue and follows up with the viewer, rather than asking the viewer to contact another member of the staff.

We appreciate Ms. Burton's effort to notify us about this technical malfunction, and we are glad that we were able to resolve the matter promptly and to Ms. Burton's satisfaction after she spoke with Mr. Hays. Mr. Hays has encouraged Ms. Burton to contact him personally if she has any further concerns, and we would likewise be pleased to provide any additional information that the Commission would find helpful in connection with this matter.

Sincerely,



Sandy Breland
Vice President & General Manager

Enclosure

cc: Ms. Barbara Burton
Ms. Francine Crawford, FCC

² In evaluating captioning complaints under the Commission's captioning rule, the staff is directed to consider circumstances demonstrating "that any lack of captioning was de minimis and reasonable under the circumstances." 47 C.F.R. § 79.1(e)(10). In this case, the Station's captioning system was functional and captioning was only interrupted for a few seconds on isolated occasions, making it difficult for WAFB's master control personnel to identify the issue. When the appropriate WAFB personnel learned of the malfunction on October 15, the Station promptly corrected it.

³ We determined that two engineering employees remembered receiving calls from viewers who had questions about on-screen news graphics, one of whom mentioned captioning. In each case, the employee receiving the call advised the caller to contact the station's news management.